



AN ACT ELIMINATING THE REQUIREMENT THAT A MEDICAL CERTIFICATE BE ATTACHED TO A DECLARATION OF MARRIAGE; AND AMENDING SECTION 40-1-311, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 40-1-311, MCA, is amended to read:

**"40-1-311. Declaration of marriage without solemnization.** (1) Persons desiring to consummate a marriage by written declaration in this state without the solemnization provided for in 40-1-301 shall, prior to executing the declaration, secure the medical certificate required by this chapter, ~~which~~ The declaration and the certificate or the waiver provided for in 40-1-203 must be ~~firmly attached to the declaration and must be~~ filed by the clerk of the district court in the county where the contract was executed.

(2) A declaration of marriage must contain substantially the following:

- (a) the names, ages, and residences of the parties;
- (b) the fact of marriage;
- (c) the name of father and maiden name of mother of both parties and address of each;
- (d) a statement that both parties are legally competent to enter into the marriage contract.

(3) The declaration must be subscribed by the parties and attested by at least two witnesses and formally acknowledged before the clerk of the district court of the county.

(4) The fee for filing a declaration is \$53 and must be paid to the clerk at time of filing."

- END -

I hereby certify that the within bill,  
SB 0311, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 311  
INTRODUCED BY S. GALLUS

AN ACT ELIMINATING THE REQUIREMENT THAT A MEDICAL CERTIFICATE BE ATTACHED TO A  
DECLARATION OF MARRIAGE; AND AMENDING SECTION 40-1-311, MCA.